

GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528

September 11, 2015

Bill Alcorn Superintendent Haskell Consolidated Independent School District 605 N. Avenue E Haskell, TX 79521

Dear Superintendent Alcorn:

On June 18, 2015, the Comptroller issued written notice that Horse Creek Wind, LLC (the applicant) submitted a completed application (Application #1065) for a limitation on appraised value under the provisions of Tax Code Chapter 313¹. This application was originally submitted on March 26, 2015, to the Haskell Consolidated Independent School District (the school district) by the applicant.

This presents the results of the Comptroller's review of the application and determinations required:

- 1) under Section 313.025(h) to determine if the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C; and
- 2) under Section 313.025(d), to issue a certificate for a limitation on appraised value of the property and provide the certificate to the governing body of the school district or provide the governing body a written explanation of the comptroller's decision not to issue a certificate, using the criteria set out in Section 313.026.

Determination required by 313.025(h)

Sec. 313.024(a)	Applicant is subject to tax imposed by Chapter 171.
Sec. 313.024(b)	Applicant is proposing to use the property for an eligible project.
Sec. 313.024(d)	Applicant has requested a waiver to create the required number of new
	qualifying jobs and pay all jobs created that are not qualifying jobs a
	wage that exceeds the county average weekly wage for all jobs in the
	county where the jobs are located.
Sec. 313.024(d-2)	Not applicable to Application #1065.

Based on the information provided by the applicant, the Comptroller has determined that the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C.

Certificate decision required by 313.025(d)

¹ All statutory references are to the Texas Tax Code, unless otherwise noted.

Determination required by 313.026(c)(1)

The Comptroller has determined that the project proposed by the applicant is reasonably likely to generate tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement before the 25th anniversary of the beginning of the limitation period. See Attachment B.

Determination required by 313.026(c)(2)

The Comptroller has determined that the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state. See Attachment C.

Based on these determinations, the Comptroller issues a certificate for a limitation on appraised value. This certificate is contingent on the school district's receipt and acceptance of the Texas Education Agency's determination per 313.025(b-1).

The Comptroller's review of the application assumes the accuracy and completeness of the statements in the application. If the application is approved by the school district, the applicant shall perform according to the provisions of the Texas Economic Development Act Agreement (Form 50-286) executed with the school district. The school district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement, applicable Texas Administrative Code and Chapter 313, per TAC 9.1054(i)(3).

This certificate is no longer valid if the application is modified, the information presented in the application changes, or the limitation agreement does not conform to the application. Additionally, this certificate is contingent on the school district approving and executing the agreement within a year from the date of this letter.

Note that any building or improvement existing as of the application review start date of September 11, 2015, or any tangible personal property placed in service prior to that date may not become "Qualified Property" as defined by 313.021(2) and the Texas Administrative Code.

Should you have any questions, please contact Korry Castillo, Director, Data Analysis & Transparency, by email at korry.castillo@cpa.texas.gov or by phone at 1-800-531-5441, ext. 3-3806, or direct in Austin at 512-463-3806.

Sincerely,

Mike Reissig
Deputy Comptroller

Enclosure

cc: Korry Castillo

Attachment A – Economic Impact Analysis

This following tables summarizes the Comptroller's economic impact analysis of Horse Creek Wind, LLC (the project) applying to Haskell Consolidated Independent School District (the district), as required by Tax Code, 313.026 and Texas Administrative Code 9.1055(d)(2).

Table 1 is a summary of investment, employment and tax impact of Horse Creek Wind, LLC.

Applicant	Horse Creek Wind, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation
School District	Haskell CISD
2011-12 Enrollment in School District	612
County	Haskell
Proposed Total Investment in District	\$195,386,750
Proposed Qualified Investment	\$188,886,750
Limitation Amount	\$20,000,000
Number of new qualifying jobs committed to by applicant	5*
Number of new non-qualifying jobs estimated by applicant	0
Average weekly wage of qualifying jobs committed to by applicant	\$711
Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)(A)	\$708
Minimum annual wage committed to by applicant for qualified jobs	\$37,000
Minimum weekly wage required for non-qualifying jobs	\$616
Minimum annual wage required for non-qualifying jobs	\$32,045
Investment per Qualifying Job	\$39,077,350
Estimated M&O levy without any limit (15 years)	\$17,322,290
Estimated M&O levy with Limitation (15 years)	\$5,311,956
Estimated gross M&O tax benefit (15 years)	\$12,010,333
* Applicant is requesting district to waive requirement to create minimum number of qualifying jobs pursuant to Tax Code, 313.025 (f-1).	

Table 2 is the estimated statewide economic impact of Horse Creek Wind, LLC (modeled).

		Employment			Personal Income	
Year	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2015	5	12	17	\$200,000	\$776,563	\$976,563
2016	125	212	337	\$5,000,000	\$14,287,109	\$19,287,109
2017	5	25	30	\$185,000	\$3,232,969	\$3,417,969
2018	5	15	20	\$185,000	\$2,256,406	\$2,441,406
2019	5	9	14	\$185,000	\$1,646,055	\$1,831,055
2020	5	5	10	\$185,000	\$1,401,914	\$1,586,914
2021	5	5	10	\$185,000	\$1,035,703	\$1,220,703
2022	5	1	6	\$185,000	\$791,563	\$976,563
2023	5	1	6	\$185,000	\$669,492	\$854,492
2024	5	1	6	\$185,000	\$669,492	\$854,492
2025	5	7	12	\$185,000	\$669,492	\$854,492
2026	5	3	8	\$185,000	\$425,352	\$610,352
2027	5	(1)	4	\$185,000	\$303,281	\$488,281
2028	5	(1)	4	\$185,000	\$59,141	\$244,141
2029	5	(5)	0	\$185,000	\$59,141	\$244,141
2030	5	(3)	2	\$185,000	-\$185,000	\$0
2031	5	(7)	-2	\$185,000	-\$429,141	-\$244,141

Source: CPA, REMI, Horse Creek Wind, LLC

Table 3 examines the estimated direct impact on ad valorem taxes to the region if all taxes are assessed.

									B. 011 11 0	II turtes	11 C 40000000	u.
							Haskell ISD		Haskell			
	Estin	nated				Haskell ISD	M&O and	Haskell	Hospital	Haskell		
	Taxable	• Value	Estimated Taxable		Haskell ISD	M&O Tax	I&S Tax	County Tax	District Tax	Water	Rolling Plains	Estimated Total
Year	for l	&S	Value for M&O		I&S Tax Levy	Levy	Levies	Levy	Levy	District #1	GCD Tax Levy	Property Taxes
				Tax Rate ¹	0.04180	1.0814		0.8205	0.2634	0.1800	0.0198	
2016	\$ 4	,722,169	\$4,722,169		\$1,974	\$51,064	\$53,038	\$38,745	\$12,438	\$12,438	\$935	\$117,595
2017	\$ 185	,116,722	\$185,116,722		\$77,379	\$2,001,797	\$2,079,175	\$1,518,883	\$487,597	\$487,597	\$36,653	\$4,609,906
2018	\$ 170	,362,300	\$170,362,300		\$71,211	\$1,842,247	\$1,913,458	\$1,397,823	\$448,734	\$448,734	\$33,732	\$4,242,481
2019	\$ 156	,786,200	\$156,786,200		\$65,537	\$1,695,439	\$1,760,976	\$1,286,431	\$412,975	\$412,975	\$31,044	\$3,904,400
2020	\$ 144	,294,700	\$144,294,700		\$60,315	\$1,560,360	\$1,620,675	\$1,183,938	\$380,072	\$380,072	\$28,570	\$3,593,328
2021	\$ 132	,801,800	\$132,801,800		\$55,511	\$1,436,079	\$1,491,590	\$1,089,639	\$349,800	\$349,800	\$26,295	\$3,307,123
2022	\$ 122	,226,400	\$122,226,400		\$51,091	\$1,321,720	\$1,372,810	\$1,002,868	\$321,944	\$321,944	\$24,201	\$3,043,767
2023	\$ 112	,496,600	\$112,496,600		\$47,024	\$1,216,504	\$1,263,528	\$923,035	\$296,316	\$296,316	\$22,274	\$2,801,469
2024	\$ 103	,543,300	\$103,543,300		\$43,281	\$1,119,686	\$1,162,967	\$849,573	\$272,733	\$272,733	\$20,502	\$2,578,508
2025	\$ 95	,305,600	\$95,305,600		\$39,838	\$1,030,606	\$1,070,444	\$781,982	\$251,035	\$251,035	\$18,871	\$2,373,367
2026	\$ 87	,725,400	\$87,725,400		\$36,669	\$948,636	\$985,305	\$719,787	\$231,069	\$231,069	\$17,370	\$2,184,599
2027	\$ 80	,750,700	\$80,750,700		\$33,754	\$873,214	\$906,968	\$662,559	\$212,697	\$212,697	\$15,989	\$2,010,910
2028	\$ 74	,332,500	\$74,332,500		\$31,071	\$803,809	\$834,880	\$609,898	\$195,792	\$195,792	\$14,718	\$1,851,080
2029	\$ 68	,426,800	\$68,426,800		\$28,602	\$739,947	\$768,549	\$561,442	\$180,236	\$180,236	\$13,549	\$1,704,012
2030	\$ 62	,992,500	\$62,992,500		\$26,331	\$681,182	\$707,513	\$516,853	\$165,922	\$165,922	\$12,473	\$1,568,683
	L					Total	\$17,991,877	\$13,143,456	\$4,219,362	\$4,219,362	\$317,173	\$39,891,229

Source: CPA, Horse Creek Wind, LLC Tax Rate per \$100 Valuation

Table 4 examines the estimated direct impact on ad valorem taxes to the school district and Haskell County, with all property tax incentives sought being granted using estimated market value from the application. The project has applied for a value limitation under Chapter 313, Tax Code and tax abatement with the county and Haskell Hospital District.

The difference noted in the last line is the difference between the totals in Table 3 and Table 4.

							Haskell ISD	totals III	Haskell			·
	1	Estimated				Haskell ISD	M&O and	Haskell	Hospital	Haskell		
	Ta	xable Value	Estimated Taxable		Haskell ISD	M&O Tax	I&S Tax	County Tax	District Tax	Water	Rolling Plains	Estimated Total
Year		for I&S	Value for M&O		I&S Tax Levy	Levy	Levies	Levy	Levy	District #1	GCD Tax Levy	Property Taxes
				Tax Rate ¹	0.04180	1.0814		0.8205	0.2634	0.1800	0.0198	
2016	\$	4,722,169	\$4,722,169		\$1,974	\$51,064	\$53,038	\$38,745	\$12,438	\$12,438	\$935	\$117,595
2017	\$	185,116,722	\$20,000,000		\$77,379	\$216,274	\$293,653	\$0	\$487,597	\$0	\$36,653	\$817,903
2018	\$	170,362,300	\$20,000,000		\$71,211	\$216,274	\$287,485	\$0	\$448,734	\$0	\$33,732	\$769,951
2019	\$	156,786,200	\$20,000,000		\$65,537	\$216,274	\$281,811	\$0	\$412,975	\$0	\$31,044	\$725,829
2020	\$	144,294,700	\$20,000,000		\$60,315	\$216,274	\$276,589	\$0	\$380,072	\$0	\$28,570	\$685,232
2021	\$	132,801,800	\$20,000,000		\$55,511	\$216,274	\$271,785	\$0	\$349,800	\$0	\$26,295	\$647,880
2022	\$	122,226,400	\$20,000,000		\$51,091	\$216,274	\$267,365	\$0	\$321,944	\$0	\$24,201	\$613,510
2023	\$	112,496,600	\$20,000,000		\$47,024	\$216,274	\$263,298	\$0	\$296,316	\$0	\$22,274	\$581,888
2024	\$	103,543,300	\$20,000,000		\$43,281	\$216,274	\$259,555	\$0	\$272,733	\$0	\$20,502	\$552,790
2025	\$	95,305,600	\$20,000,000		\$39,838	\$216,274	\$256,112	\$0	\$251,035	\$0	\$18,871	\$526,017
2026	\$	87,725,400	\$20,000,000		\$36,669	\$216,274	\$252,943	\$0	\$231,069	\$0	\$17,370	\$501,382
2027	\$	80,750,700	\$80,750,700		\$33,754	\$873,214	\$906,968	\$662,559	\$212,697	\$212,697	\$15,989	\$2,010,910
2028	\$	74,332,500	\$74,332,500		\$31,071	\$803,809	\$834,880	\$609,898	\$195,792	\$195,792	\$14,718	\$1,851,080
2029	\$	68,426,800	\$68,426,800		\$28,602	\$739,947	\$768,549	\$561,442	\$180,236	\$180,236	\$13,549	\$1,704,012
2030	\$	62,992,500	\$62,992,500		\$26,331	\$681,182	\$707,513	\$516,853	\$165,922	\$165,922	\$12,473	\$1,568,683
						Total	\$5,981,544	\$2,389,498	\$4,219,362	\$767,086	\$317,173	\$13,674,662
						Dia	£12.010.222	¢10.753.057	60			\$0/04/F/F
						ווע	\$12,010,333	\$10,753,957	\$0		\$0	\$26,216,567
Assumes	Scho	ool Value Limit	ation and Tax Abatem	ents with Ha	askell County a	nd Haskell Cou	nty Hospital Di	strict.				

Source: CPA, Horse Creek Wind, LLC

¹Tax Rate per \$100 Valuation

Disclaimer: This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

Attachment B - Tax Revenue over 25 Years

This represents the Comptroller's determination that Horse Creek Wind, LLC (project) is reasonably likely to generate, before the 25th anniversary of the beginning of the limitation period, tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement. This evaluation is based on an analysis of the estimated M&O portion of the school district property tax levy and direct, indirect and induced tax effects from project employment directly related to this project, using estimated taxable values provided in the application.

	Tax Year	Estimated ISD M&O Tax Levy Generated (Annual)	Estimated ISD M&O Tax Levy Generated (Cumulative)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Annual)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Cumulative)
Limitation	2014	\$0	\$0	\$0	\$0
Pre-Years	2015	\$0	\$0	\$0	\$0
Fie-Teals	2016	\$51,064	\$51,064	\$0	\$0
	2017	\$216,274	\$267,338	\$1,785,523	\$1,785,523
	2018	\$216,274	\$483,612	\$1,625,973	\$3,411,495
	2019	\$216,274	\$699,886	\$1,479,165	\$4,890,660
	2020	\$216,274	\$916,160	\$1,344,086	\$6,234,746
imitation Period	2021	\$216,274	\$1,132,434	\$1,219,805	\$7,454,551
(10 Years)	2022	\$216,274	\$1,348,708	\$1,105,446	\$8,559,996
	2023	\$216,274	\$1,564,982	\$1,000,230	\$9,560,227
	2024	\$216,274	\$1,781,256	\$903,412	\$10,463,639
	2025	\$216,274	\$1,997,530	\$814,332	\$11,277,971
	2026	\$216,274	\$2,213,804	\$732,362	\$12,010,333
	2027	\$873,214	\$3,087,018	\$0	\$12,010,333
Maintain Viable	2028	\$803,809	\$3,890,827	\$0	\$12,010,333
Presence	2029	\$739,947	\$4,630,774	\$0	\$12,010,333
(5 Years)	2030	\$681,182	\$5,311,956	\$0	\$12,010,333
	2031	\$627,116	\$5,939,072	\$0	\$12,010,333
	2032	\$577,358	\$6,516,429	\$0	\$12,010,333
	2033	\$531,573	\$7,048,003	\$0	\$12,010,333
	2034	\$489,438	\$7,537,441	\$0	\$12,010,333
Additional Years	2035	\$450,670	\$7,988,110	\$0	\$12,010,333
as Required by	2036	\$414,988	\$8,403,098	\$0	\$12,010,333
313.026(c)(1)	2037	\$382,154	\$8,785,252	\$0	\$12,010,333
(10 Years)	2038	\$351,942	\$9,137,193	\$0	\$12,010,333
	2039	\$324,134	\$9,461,328	\$0	\$12,010,333
	2040	\$298,536	\$9,759,864	\$0	\$12,010,333
	2041	\$274,986	\$10,034,849	\$0	\$12,010,333
		\$10,034,849	is less than	\$12,010,333	
Analysis Summary			ue in an amount sufficie		

NOTE: The analysis above only takes into account this project's estimated impact on the M&O portion of the school district property tax levy directly related to this project.

Source: CPA, Horse Creek Wind, LLC

]	Employment			Personal Income		Revenue & Expenditure				
Year	Direct	Indirect +	Total	Diment	Indirect + Induced	70-4-1	D.	D 194	N. 4 (T) - 1900		
2015	Direct 5	12	10tai 17	Direct		Total	Revenue		Net Tax Effect		
				\$200,000	\$776,563	\$976,563	\$83,923	-\$15,259			
2016	125	212	337	\$5,000,000	\$14,287,109	\$19,287,109	\$1,647,949	-\$564,575			
2017	5	25	30	\$185,000	\$3,232,969	\$3,417,969	\$297,546	\$221,252	\$76,294		
2018	3	15	20	\$185,000	\$2,256,406	\$2,441,406	\$244,141	\$236,511	\$7,630		
2019	5	9	14	\$185,000	\$1,646,055	\$1,831,055	\$221,252	\$244,141	-\$22,889		
2020	5	5	10	\$185,000	\$1,401,914	\$1,586,914	\$198,364	\$244,141	-\$45,777		
2021	5	5	10	\$185,000	\$1,035,703	\$1,220,703	\$167,847	\$190,735	-\$22,888		
2022		1	6	\$185,000	\$791,563	\$976,563	\$144,958	\$167,847	-\$22,889		
2023	5	1	6	\$185,000	\$669,492	\$854,492	\$129,700	\$160,217	-\$30,517		
2024	5	1	6	\$185,000	\$669,492	\$854,492	\$152,588	\$137,329	\$15,259		
2025		7	12	\$185,000	\$669,492	\$854,492	\$137,329	\$137,329	\$0		
2026	5	3	8	\$185,000	\$425,352	\$610,352	\$122,070	\$114,441	\$7,629		
2027	5	(1)	4	\$185,000	\$303,281	\$488,281	\$76,294	\$68,665	\$7,629		
2028	5	(1)	4	\$185,000	\$59,141	\$244,141	\$76,294	\$45,776	\$30,518		
2029	5	(5)	0	\$185,000	\$59,141	\$244,141	\$68,665	\$76,294	-\$7,629		
2030	5	(3)	2	\$185,000	-\$185,000	\$0	\$53,406	\$45,776	\$7,630		
2031	5	(7)	-2	\$185,000	-\$429,141	-\$244,141	\$15,259	\$22,888	-\$7,629		
2032	5	(9)	-4	\$185,000	-\$673,281	-\$488,281	\$7,629	\$15,259	-\$7,630		
2033	5	(7)	-2	\$185,000	-\$673,281	-\$488,281	\$15,259	-\$45,776	\$61,035		
2034	5	(9)	-4	\$185,000	-\$1,161,563	-\$976,563	-\$38,147	-\$61,035	\$22,888		
2035	5	(13)	-8	\$185,000	-\$1,405,703	-\$1,220,703	-\$53,406	-\$76,294			
2036	5	(13)	-8	\$185,000	-\$1,649,844	-\$1,464,844	-\$106,812	-\$129,700			
2037	5	(13)	-8	\$185,000	-\$1,649,844	-\$1,464,844	-\$99,182	-\$175,476	1		
2038	5	(13)	-8	\$185,000	-\$1,893,984	-\$1,708,984	-\$106,812	-\$190,735	· · · · · · · · · · · · · · · · · · ·		
2039	5		-10			-\$1,464,844	-\$122,070				
2040	5	(17)	-12	\$185,000		-\$2,685,547	-\$167,847	-\$251,770			
2041	5	(15)	-10			-\$2,197,266	-\$167,847	-\$274,658			
							\$2,998,350	\$129,700			
							, , ,	, ,	, ,,		
							\$12,903,499	is greater than	\$12,010,333		

Analysis Summary	
Is the project reasonably likely to generate tax revenue in an amount sufficient to offset the M&O levy loss as a result	W
of the limitation agreement?	Yes

Attachment C – Limitation as a Determining Factor

Tax Code 313.026 states that the Comptroller may not issue a certificate for a limitation on appraised value under this chapter for property described in an application unless the comptroller determines that "the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state." This represents the basis for the Comptroller's determination.

Methodology

Texas Administrative Code 9.1055(d) states the Comptroller shall review any information available to the Comptroller including:

- the application, including the responses to the questions in Section 8 (Limitation as a Determining Factor);
- public documents or statements by the applicant concerning business operations or site location issues or in which the applicant is a subject;
- statements by officials of the applicant, public documents or statements by governmental or industry officials concerning business operations or site location issues;
- existing investment and operations at or near the site or in the state that may impact the proposed project;
- announced real estate transactions, utility records, permit requests, industry publications or other sources that may provide information helpful in making the determination; and
- market information, raw materials or other production inputs, availability, existing facility locations, committed incentives, infrastructure issues, utility issues, location of buyers, nature of market, supply chains, other known sites under consideration.

Determination

The Comptroller has determined that the limitation on appraised value is a determining factor in the Horse Creek Wind, LLC decision to invest capital and construct the project in this state. This is based on information available, including information provided by the applicant. Specifically, the comptroller notes the following:

*Note: This project was originally submitted to the Comptroller on November 10, 2014 and assigned application number 1039. Application 1039 was owned by New Generations Power Texas, LLC. In mid-December 2014 the Comptroller's office was notified of the sale of the project to Lincoln Clean Energy and application 1039 was withdrawn. Lincoln Clean Energy submitted a new application January 13, 2015 under Horse Creek Wind, LLC.

- Horse Creek Wind, LLC has entered into a number of contracts related to the project, including long-term lease options agreements with area landowners, a limited-notice-to-proceed contract with a construction contractor, and environmental consultants to assess the suitability of the site, and a request for studies leading to an interconnection agreement with the transmission provider.
- In order for the project to qualify for the federal income tax Production Tax Credit (PTC), the Applicant was required to complete a minimum amount of PTC qualification work before the statutorily imposed deadline of December 31, 2014. The amount of PTC qualification work completed prior to December 31, 2014, constitutes less than 0.04% of total estimated investment for the project. The work was done in the Munday CISD portion of the project area.
- Per the applicant, the completion of this minor amount of PTC qualification work does not legally or financially commit it to construction of the project.
- The applicant is a national wind developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics.
- Per the applicant, the appraised value limitation is critical to the ability of the Project to move forward as currently sited.
- A National Electric Contractors Association article dated March 26, 2014 notes construction for the twophase project began December 11, 2013, making the wind farm eligible for a Federal Renewable Energy Production Tax Credit.

Supporting Information

a) Section 8 of the Application for a Limitation on Appraised Value

- b) Attachments provided in Tab 5 of the Application for a Limitation on Appraised Value
- c) Additional information provided by the Applicant or located by the Comptroller

Disclaimer: This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

Supporting Information

Section 8 of the Application for a Limitation on Appraised Value



Application for Appraised Value Limitation on Qualified Property

8	ECTIO	DN 6: Eligibility Under Tax Code Chapter 313.024	16.4								
1. 2.		ou an entity subject to the tax under Tax Code, Chapter 171?	√	Yes		No					
	(1)	(1) manufacturing									
	(2)	(2) research and development									
	(3)	(3) a clean coal project, as defined by Section 5.001, Water Code									
	(4)	(4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code									
	(5)	(5) renewable energy electric generation									
	(6)	6) electric power generation using integrated gasification combined cycle technology									
	(7)	nuclear electric power generation		Yes	1	No					
	(8)	a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7)		Yes	√	No					
	(9)	a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051		Yes	1	No					
3.	Are yo	ou requesting that any of the land be classified as qualified investment?		Yes	1	No					
4.	Will ar	ny of the proposed qualified investment be leased under a capitalized lease?	\Box	Yes	1	No					
5.	Will any of the proposed qualified investment be leased under an operating lease?										
6.	. Are you including property that is owned by a person other than the applicant?										
7.	Will ar your q	ny property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of ualified investment?		Yes	√	No					
S	ECTIO	DN 7: Project Description			7,0	F					
1.	In Tab sonal	4, attach a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of property, the nature of the business, a timeline for property construction or installation, and any other relevant information.	real a	and tan	gible	per-					
2.	Check	the project characteristics that apply to the proposed project:									
	√ 1	Land has no existing improvements Land has existing improvements (complete Se	ction	13)							
		Expansion of existing operation on the land (complete Section 13) Relocation within Texas									
S	ECTIO	DN 8: Limitation as Determining Factor									
1.	Does	the applicant currently own the land on which the proposed project will occur?		Yes	1	No					
2.	Has th	ne applicant entered into any agreements, contracts or letters of intent related to the proposed project?		Yes	1	No					
3.	Does		Yes	1	No						
4.	Has the	ne applicant made public statements in SEC filings or other documents regarding its intentions regarding the sed project location?		Yes	1	No					
5.	Has th	e applicant received any local or state permits for activities on the proposed project site?		Yes		No					
6.	Has th	e applicant received commitments for state or local incentives for activities at the proposed project site?		Yes	1	No					
7.	is the	applicant evaluating other locations not in Texas for the proposed project?	1	Yes		No					
8.	Has th	te applicant provided capital investment or return on investment information for the proposed project in comparison the alternative investment opportunities?		Yes	J	No					
9.		e applicant provided information related to the applicant's inputs, transportation and markets for the proposed project?		Yes	7	No					
	Are yo	u submitting information to assist in the determination as to whether the limitation on appraised value is a determining in the applicant's decision to invest capital and construct the project in Texas?		Yes		No					
Ch		313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirma	tive o		v	1					

For more information, visit our website: www.TexasAhead.org/tax_programs/chapter313/

under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

Supporting Information

Attachments provided in Tab 5 of the Application for a Limitation on Appraised Value

Horse Creek Wind, LLC

Chapter 313 Application to Haskell CISD

Cummings Westlake, LLC

TAB 5

<u>Documentation to assist in determining if limitation is a determining factor.</u>

Horse Creek Wind, LLC ("Horse Creek") is a Delaware limited liability company. Horse Creek has one member with 100% ownership, Lincoln Clean Energy, LLC ("LCE"). LCE has successfully developed projects involving almost \$1 billion in capital investment in some of the largest electricity markets in the United States (including Texas, California and New Jersey).

Horse Creek has entered into a number of contracts related to the project, including long-term lease option agreements with area landowners, a limited-notice-to-proceed contract with a construction contractor, and environmental consultants to assess the suitability of the site, and a request for studies leading to an interconnection agreement with the transmission provider.

In order for the project to qualify for the federal income tax Production Tax Credit (PTC), the Applicant was required to complete a minimum amount of PTC qualification work before the statutorily imposed deadline of December 31, 2014. In order to complete this minimum amount of PTC qualification work, the Applicant received a TPDES General Permit TXR150014869 and completed the amount of PTC qualification work required for the project to qualify for the federal income tax PTC, which expired on December 31, 2014 and has not been renewed at the time this application was submitted. The amount of PTC qualification work completed prior to December 31, 2014, constitutes less than 0.04% of total estimated investment for the project. This work was done in the Munday CISD portion of the project area. The Applicant's completion of this minor amount of PTC qualification work does not legally or financially commit it to constructing the project.

The Applicant is a national wind developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics. The Applicant is actively assessing and developing other projects that are competing for limited investment funds. This appraised value limitation is critical to the ability of the Project to move forward as currently sited.

Supporting Information

Additional information provided by the Comptroller



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NECA Member Working as EPC Contractor on Large-Scale Project

Renewable energy company New Generation Power Texas, LLC (NGP Texas), the newly formed subsidiary of Chicago-based New Generation Power, has begun the first phase of a 400 MW wind farm in Haskell County, Texas. Rosendin Electric is coordinating engineering, procurement, and construction (EPC) for this large-scale project.

Construction for the two-phase project began on December 11, 2013, making the wind farm eligible for a Federal Renewable Energy Production Tax Credit (PTC).

Located just northwest of Dallas, Texas, in Haskell County, the project is estimated to cost between \$650-700 million. Excellent wind speed and wind consistency have been verified by three meteorological towers or met towers, which are used to gather wind data necessary for site evaluation and development of wind energy projects, and have been in the process of collecting wind data for several years, showing a 50.5% capacity factor for the project.

In order to qualify for the PTC Credit, which expired at the end of 2013, NGP Texas has completed milestones of significant nature that included: pre-construction development, early investments, environmental considerations, permitting, an interconnection agreement, excavated WTG foundations and mud mat placements.

NGP Texas brought together a team of industry leaders to help successfully complete all elements of this fast-tracked project. The Prime EPC Contractor for the 400MW Texas wind farm is Rosendin Electric, Inc. Since Rosendin entrance into the wind industry in 2003, they have participated in the design, procurement, and construction of more than 10GW of wind

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power generation plant facilities located in the continental United States and Canada.

"The cornerstone of our strategy was partnering with the ideal members to bring an exclusive group of talent, project expertise, and industry knowledge to showpiece this 400MW wind farm," said Ania Kuna, Executive Vice President of NGP Texas. "This reflects our desire to collaborate with companies that share our vision and have common goals. The ground breaking marks a very significant milestone exemplifying the dedication of our team," she added.

The NGP Texas Wind Project has offered Rosendin Electric, Inc. a unique opportunity to work, in unison, with New Generation Power Texas, LLC to develop a superior team of qualified engineers, contractors, and equipment/ material vendors that will insure the safe, quality driven, on-time, and cost efficient completion of this project, stated Mike Turner, Vice President of Rosendin Electric, Inc.

AUI Contractors will serve as the Civil and Foundation sub-contractor for the project.

"AUI Contractors — Renewable Energy Services has supported and built projects for the co-developer since 2007. NGP Texas has assembled a strong EPC team, lead by Rosendin," said Mario Carbone, Vice President and COO of AUI. "We are extremely impressed with their pre-construction planning and are confident that all of the hard work on the front end will equate to a successful execution of the project in 2014," he added.

Located on 22,000 acres of land, the Texas wind project will be capable of producing roughly 1,866 million megawatt hours (MWh) of energy annually and is expected to complete construction of both phases by the end of 2015.

The construction, operation and maintenance of this large-scale project will require many boots on the ground and the involvement of numerous contractor parties which will result in the creation of multiple US jobs.

ABOUT ROSENDIN ELECTRIC

Rosendin Electric, Inc., headquartered in San Jose, California, is an employee-owned electrical engineering, power and communications provider and is the largest privately held electrical contractor in the United States. With over 5,000 employees and experience worldwide, Rosendin Electric has

participated in the design, procurement, and construction of more than 10GW of wind power generation plant facilities located in the continental United States and Canada.

"The cornerstone of our strategy was partnering with the ideal members to bring an exclusive group of talent, project expertise, and industry knowledge to showpiece this 400MW wind farm," said Ania Kuna, Executive Vice President of NGP Texas. "This reflects our desire to collaborate with companies that share our vision and have common goals. The ground breaking marks a very significant milestone exemplifying the dedication of our team," she added.

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Rosendin Electric, Inc., headquartered in San Jose, California, is an employee-owned electrical engineering, power and

built upon a 90-year reputation for quality design and installations. For additional information, visit www.rosendin.com.

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